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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,735	08/13/2001	Ronald E. Sloan	60021.375702	1151
29838	7590	07/06/2005		
OPPENHEIMER WOLFF & DONNELLY, LLP (ACCENTURE) PLAZA VII, SUITE 3300 45 SOUTH SEVENTH STREET MINNEAPOLIS, MN 55402-1609			EXAMINER GARG, YOGESH C	
			ART UNIT 3625	PAPER NUMBER

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/929,735

Applicant(s)

SLOAN ET AL.

Examiner

Yogesh C. Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on EIN summary 11/12/2004 & 7/6/2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,9-13,16-18,21 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,9-13,16-18,21 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/18/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the applicant's amendment received on July 6, 2004. Subsequent to Interview summary held with the applicants attorney Mr. Chris Hilberg on 11/12/2004, it was agreed by the examiner to withdraw the Notice of Non-responsive action mailed on 10/19 2004 and to issue an Office action on merits in response to the applicant's amendment received on July 6, 2004.

Claims 1-5, 9, 11-13, 16-18, and 21 are amended. Currently claims 1-5, 9-13, 16-18, 21 and 24 are pending for examination.

### ***Response to Arguments***

2. Applicant's arguments, see Remarks, pages 7-9 filed on 7/6/2004 with respect to amended claims 1-5, 9-13, 16-18, 21 and 2 have been considered but are moot in view of the new ground(s) of rejection necessitated due to current amendments. This is a Final action necessitated due to amendments.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7, 17-18, 21 and 24 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 1 and 17 recites the limitation "the customized coaching" in lines 7-8 of claim 1 and line 9 of claim 17. There is insufficient antecedent basis for this limitation in the claims. Since claims 2-7 and 18, 21, 24 are dependencies of claims 1 and 17 respectively they will also inherit the same deficiency.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 9-13, 16, 17-18, 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Press release, "Kana and Weblin Team to Provide Industry's Most Comprehensive Online Customer Interaction Solution "; Business Wire; New York; Apr 20, 1999, pages 1-3, extracted on Internet from <http://proquest.umi.com> on 03/04/2003, hereinafter, referred to as Weblin in view of Ray et al. (US Patent 6,018,722), hereinafter, referred to as Ray and in view of and in view of Pustejovsky et al. (US Publication: US 2001/0039493 A1), hereinafter referred to Pustejovsky and further in view of Schilleru-Key (US Patent 6,388,688) .

4.1. With regards to method claims 1-5, Weblin teaches a method for providing a communication medium over a wide area network, including the Internet, for the primary purpose of providing a financial modeling and counseling system comprising:

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providing automated financial coaching in a web-based environment; displaying to a user a plurality of communication options with a live advisor in said web page environment; and enabling a communication medium between said user and a live advisor based on the user selected communication option whereby said live advisor may provide live financial coaching in a collaborative medium for sharing data between said user and a live advisor upon the selection of a communication option from electronic mail, online chat, voice or talk with stand alone telephone options (The applicant's claims are directed to establishing a variety of automated communication options, in a web-based environment, between user and live advisor to provide financial coaching and Weblines supported by Press release, "Weblines Communications' Products Selected By Trimark Investments To Increase Service On financial Adviser Web Site"; Business Wire; March 22, 1999, extracted on Internet from Dialog database on 02/26/2003 and combined with Schileru-Key discloses the recited limitations (see at least Weblines, page 2, under the head, "About the WebLine Solution ..... The Weblines Collaboration Server enables company representatives to share information with customers over the Web....while conducting a voice conversation or text chat....integrating multimedia types-including PSTN calls, interactive Web sessions, e-mail, text chat and voice-over-IP calls----", and head, "About WebLine Communications.....Customers include ....financial services....such as Putnam Investments, Trimark Investment management Inc....."). As per the disclosure in Weblines that Trimark Investment management uses Weblines software a detail enabling disclosure is presented in the Press release, wherein it is explicitly shown/suggested that Trimark, while using Weblines software provides financial coaching (see press release, page 1, "....Trimark is committed to providing leading-edge customer service in the financial services industry....To enable this new real-time service option, Trimark has implemented Weblines Communications'

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Collaboration Server.....The Webline Collaboration Server enables Trimark representatives to share information with financial advisers over the Web-including Web pages, forms or applications.....allowing Trimark representatives to respond to Web requests and telephone calls from within a common queue on their desktops and provide a consistent, unified face to their customers to their customers.....visitors to Trimarks' Financial Advisers Web site can click on a "Call Me Now" button.....they can co-navigate the Web, securely share electronic documents....").

Webline, as applied to claim 1-5, does not show providing financial modeling wherein the financial modeling includes a profile of the user and automated customized financial coaching based on the financial model such that said user is assisted in achieving financial goals and optimizing long-term goals, and the financial coaching includes suggestions for changes to a current financial portfolio of the user and wherein the suggestions include financial products and recommended securities for the user to purchase. However, in the field of same endeavor, Ray suggests providing financial modeling wherein the financial modeling includes a profile of the user and automated customized financial coaching based on the financial model such that said user is assisted in achieving financial goals and optimizing long-term goals, and the financial coaching includes suggestions for changes to a current financial portfolio of the user and wherein the suggestions include financial products and recommended securities for the user to purchase. (see at least abstract, "*A computer implemented expert securities portfolio investment management system...operates as Registered Investment Advisor.....system automatically defines personal customer objectives, designs portfolios.....researches .....selects.....evaluates specific securities....*", col.9, lines 29-65, "*..... displaying investment recommendations, account information.....*", col. 4,

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line 62-col.5, line 48, " *The first step is to determine the personal asset allocation model 115 which is derived from a look up table according to customer answers to a questionnaire .....The system compares these variables to answers on a look up table to determine which level of risk is appropriate to the investor.....This approach permits the customer an extensive number of possible portfolio designs. This breadth of diversity permits unusual depth of precision.....is the beginning of individualized management process... present invention to operate as a RIA.....*" Note: In Ray, the computer implemented method of defining personal customer objectives, designing portfolios, displaying recommendations, determining asset allocation as per customer's responses to a questionnaire and preferences for risk levels correspond to providing automated customized financial modeling including a profile of the user, as claimed, and coaching such that said user is assisted in achieving financial goals and optimizing long-term goals . RIA dynamically analyzes the user's intentions by doing economic analysis, fundamental analysis, technical analysis and risk/return analysis (see at least col.2, lines 19-39 and col.5, line 59-col.8, line 62) and this process also corresponds to optimizing the customer's long-term goals.).

In view of Ray, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to have modified Weblines, as applied to claims 1-5, to incorporate the feature of providing financial modeling and coaching such that said user is assisted in achieving financial goals and optimizing long-term goals. Doing so helps the consumers in minimizing risks and creating efficient portfolios for their future, as explicitly disclosed by Ray (see at least col.1, line 64-col.2, line 4).

Weblines in view of Ray , as applied to claims 1-5 does not show that the suggestions are presented in a natural language format via web. However, in the

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analogous field of answering verbal questions using remote devices by a natural language format system, Pustejovsky teaches that the suggestions are presented in a natural language format via web (see at least paragraph 0016). In view of Pustejovsky, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Weblin in view of Ray as applied to claims 1-5 to incorporate the features of Pustejovsky of presenting suggestions in a natural language format because it would highly improve the efficiency of the system if the applicant/user could get his/her answers directly from the Internet or database in the natural language without going through a human, as explicitly disclosed in Pustejovsky, see paragraph 0012.

Weblin in view of Ray and in view of Pustejovsky, as applied to claims 1-5, does not show establishing communication between said user and said live advisor transmitting streaming live video or still video clips upon the user's selection. However, in the same field of real interactive navigation via a network, Schileru-Key teaches the use of video clips and streaming live video (see at least col.4, lines 55-65, "*....In one embodiment, the sequence is video clip.....in some embodiments, the image sequences may be shown using streaming video* ") to provide an interactive navigation and exploration of real and virtual environments and to present auxiliary information related to points of interest (see at least col.1, line 55-col.2, line 15). In view of Schileru-Key, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Weblin in view of Ray and in view of Pustejovsky as applied to claims 1-5 to incorporate the features of Schileru-Key of using video clips and streaming videos because to assist the users in interactive navigation of information being presented to them as explicitly disclosed in Schileru-Key (see at least col.1, line 55-col.2, line 15).



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4.2. With regards to system claims 9-13, and 16, and a computer program readable medium claims 17-18, 21, and 24, their limitations correspond to the limitations of method claims 1-5, and are therefore analyzed and rejected using the same rationale under 35 U.S.C. 103(a) as being unpatentable over Weblin in view of Ray in view of Pustejovsky and further in view of Schileru-Key.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Publication 2002/0161928 to Ndili discloses a device for delivering content in a natural language format to a mobile device from a network site (see at least paragraph 0009).

(ii) US Patent 6,327,586 to Kisiel teaches an automated system, method and computer program for defining research requirements (can be applied to suggestion sought for investment portfolios), collecting data, analyzing data, visualizing data and generating reports (see at least col.3, line 30-col.6, line 37). ,

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

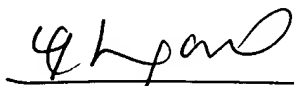
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Yogesh C Garg  
Primary Examiner  
Art Unit 3625

YCG  
June 26, 2005